

BEFORE THE COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA

FILED

MAY - 4 2000

NEVADA COMMISSION ON JUDICIAL DISCIPLINE

Michele Wozniak

CASE NO.: 9902-258

In the Matter of the
BRIAN MORRISON
County of Clark, State of Nevada,
Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
DECISION AND IMPOSITION OF DISCIPLINE**

The above-entitled matter having come on for hearing on April 10, 2000, before the Nevada Commission on Judicial Discipline (hereinafter referred to as the COMMISSION), Frank J. Cremen, Esq. appearing as Special Prosecutor for the State of Nevada, Commission on Judicial Discipline, the Respondent, Brian Morrison, (hereinafter referred to as RESPONDENT) appearing without counsel.

After hearing the allegations and proofs of the parties, the arguments of counsel and the RESPONDENT and having considered the evidence introduced by both parties, the RESPONDENT having stipulated and admitted each of the allegations contained in the Formal Statement of Charges, the Commission states that this proceeding was a Formal Hearing conducted pursuant to Nevada Revised Statutes and the Procedural Rules for the Nevada Commission on Judicial Discipline for the purpose of determining whether the acts and conduct of the RESPONDENT warrant the imposition of discipline. The COMMISSION makes the following Findings of Fact and Conclusions of Law which constitute the Decision and Imposition of Discipline of the COMMISSION in this matter.

Findings of Fact

The Commission finds that the legal evidence presented by the Special Prosecutor at the Formal Hearing clearly and convincingly established each of the facts hereinafter set forth in Paragraphs 1 - 3 of these Findings of Facts.

1. That RESPONDENT served as both a referee for the Las Vegas Township Justice Court and an alternate Municipal Court Judge in the Municipal Court for the City of Las Vegas, both positions

- 1 required the RESPONDENT to be an active member of the State Bar of Nevada.
- 2 2. That while serving in said positions, RESPONDENT failed to meet the obligation to obtain
- 3 annual continuing legal education as required by the rules of the Supreme Court of the State of
- 4 Nevada. Having been noticed of that failure by the State Bar and having been given the
- 5 opportunity to correct the failure, RESPONDENT still failed to meet the continuing legal
- 6 education requirements. By order of the Supreme Court of Nevada entered on or about January
- 7 5, 1998, your status as a member of the State Bar became "inactive."
- 8 3. Thereafter you did fail to notify either the Las Vegas Township Justice Court or the Las Vegas
- 9 Municipal Court of your transfer by the Supreme Court to inactive status and continued to sit and
- 10 hear cases in both of those courts.

11 **Conclusions of Law**

12 The RESPONDENT's conduct as set forth in Paragraphs 1, 2 and 3 of the Findings of Fact

13 violated NRS 1.4653(2) and:

- 14 a. Canon 1 which provides that "A judge should participate in
- 15 establishing, maintaining and enforcing high standards of
- 16 conduct, and shall personally observe those standards so that the
- 17 integrity and independence of the judiciary will be preserved."
- 18 and;
- 19 b. Canon 2A which provides "A judge shall respect and comply
- 20 with the law and shall act at all times in a manner that promotes
- 21 public confidence in the integrity and impartiality of the
- 22 judiciary."

23 **Decision and Imposition of Discipline**

24 The COMMISSION hereby publicly reprimands you for your conduct which brought disrepute

25 upon both yourself and on each of those courts when your status as an "inactive" member of the Bar was

26 publicly revealed. The COMMISSION suspends you from sitting in a judicial capacity in the State of

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28 .../

1 Nevada for a period of six months from the date of filing of this Decision.

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3 DATED this 4th day of ~~April~~^{May}, 2000.

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5 NEVADA COMMISSION ON
6 JUDICIAL DISCIPLINE

NEVADA COMMISSION ON
JUDICIAL DISCIPLINE

7 Frank Brusa
8 FRANK BRUSA, Chairman

Diana Glomb
DIANA GLOMB, Vice-Chair

9
10 Brent Adams
11 BRENT ADAMS, Commissioner

Steve Chappell
STEVE CHAPPELL, Commissioner

12 Sally Loehrer
13 SALLY LOEHRER, Commissioner

14
15 **CONCURRENCE AND DISSENT**

16 While I concur in the imposition of the public reprimand, I respectfully dissent as to the length
17 of the suspension. The turmoil visited upon the judicial system as a result of the Respondent's
18 negligence was profound by any measure. Judgments in hundreds of cases were jeopardized, requiring
19 the immediate intervention of the Nevada Supreme Court.

20 I would suspend the Respondent from serving in any judicial capacity for a period of not less than
21 one year.

22 DATED this 26th day of April, 2000

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24 NEVADA COMMISSION ON
25 JUDICIAL DISCIPLINE

26
27 Donald J. Campbell
28 DONALD J. CAMPBELL, Commissioner

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CERTIFICATE OF MAILING

I hereby certify that on the 4th day of May, 2000 I placed the FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND IMPOSITION OF DISCIPLINE and the CONCURRENCE AND DISSENT in the United States Mail, postage pre-paid, addressed to the undersigned:

Brian Morrison, Esq.
5555 Merriweather Drive
Las Vegas, NV 89113
Respondent

Frank J. Cremen, Esq.
302 E. Carson Avenue, Suite 1004
Las Vegas, NV 89101
Special Prosecutor

Michelle Wright
MICHELLE WRIGHT, Commission Clerk